

REMARKS***Claim Amendments***

Claims 1-22 were pending prior to the above amendments. Claims 1-14 and 18-22 are rejected under 35 U.S.C. § 112 first and/or second paragraph. Claims 15-17 are only objected to as being dependent on a rejected base claim, but the Examiner notes that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The above amendments have been made in accordance with the Examiner's notation in order to expedite the prosecution of this application and put all claims in condition for allowance, as follows:

- Claims 1-15, 18 and 20-22 have been cancelled.
- Compound claims 16 and 17, reciting specifically named compounds, have been rewritten in independent form.
- New compound claims 23-26 have been added and are dependent on claim 16, and individually recite, respectively, the first four compounds recited in claim 16.
- New compound claims 27-31 have been added and are dependent on claim 17, and individually recite, respectively, the first five compounds recited in claim 17.
- Composition claim 19 has been amended to be dependent on any one of claims 16, 17 and 23-31.

The above amendments have been made without waiver or prejudice to Applicant's right to pursue any subject matter deleted thereby in one or more continuing applications. Inasmuch as all claims recite specific compounds that were recited in the original claims as filed, or a pharmaceutical composition comprising such compounds, as encompassed by original claim 19, no new matter has been added. Therefore, entry of these amendments is believed to be in order and is respectfully requested.

Following entry of these amendments, claims 16, 17, 19 and 23-31 are pending in this application.

Claim Rejections - 35 USC § 112, 2nd Paragraph

Claims 18, 21 and 22 are rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. Without necessarily agreeing with the Examiner's position, the above cancellation of these claims has obviated this ground for rejection.

New compound claims 23-31 individually recite named compounds recited in claim 16 or 17, which claims were not subject to this ground for rejection. Therefore, it is understood that new compound claims 23-31 likewise are not subject to this ground for rejection.

Therefore it is respectfully requested that this ground for rejection be withdrawn.

Claim Rejections - 35 USC § 112, 1st Paragraph

Claims 1-14 and 18-22 are rejected under 35 U.S.C. § 112, 1st paragraph as not being enabled by the specification. Without necessarily agreeing with the Examiner's position, the above cancellation of claims 1-14, 18 and 20-22 has obviated this ground for rejection with respect to those cancelled claims.

New compound claims 23-31 individually recite named compounds recited in claim 16 or 17, which claims were not subject to this ground for rejection. Therefore, it is understood that new compound claims 23-31 likewise are not subject to this ground for rejection.

Claim 19 is directed toward a pharmaceutical composition comprising a quinazoline derivative according to any one of the recited claims or a pharmaceutically-acceptable salt thereof, in association with a pharmaceutically-acceptable diluent or carrier. It is understood that the rejection of composition claim 19 was based on its dependence upon rejected compound claim 1. Inasmuch as claim 19 is now dependent only on any one of compound claims 16, 17 or 23-31, which are not subject to this rejection, the basis for this rejection of claim 19 has been overcome by the above amendments.

As a related point, it is noted that the Examiner states in the course of this section 112, 1st paragraph rejection under "The state of the prior art:"

As evident by *Hennequin et. al.* (US 7,155,615), the quinazoline compound with anti-tumour activity has *1,3-benzodioxol-4-ylamino* at the 4-position. There is no equivalency teaching between said ring and the

claimed *methylenedioxypyridinyl*. Thus, the state of the prior art does not provide guidance to make and use compounds of the claimed formula I.

(Action at page 5; emphasis in original). It is presumed that the Examiner intended to refer to the claimed “*methylenedioxypyridinylamino*” group in order to take into account the -NH-linker of this 4-position substituent. US Patent 7,155,615 (hereinafter “the ‘615 Patent”) corresponds to WO 02/16352, which was cited in (and copy provided with) the July 12, 2006 form PTO-1449. In this regard, Applicant also calls the Examiner’s attention to US Patent 7,049,438 (hereinafter “the ‘438 Patent”, which corresponds to WO 01/94341 cited in the July 12, 2006 form PTO-1449), which also discloses compounds having what the Examiner refers to as a “*1,3-benzodioxol-4-ylamino*” group at the 4-position and also a 5-position substituent. The presently claimed compounds, while also having a 5-position substituent, are patentably distinguished from US Patent 7,049,438 by reason of the same distinction cited by the Examiner with respect to the ‘615 Patent, that is, the “*methylenedioxypyridinylamino*” group at the 4-position of the presently claimed compounds in contrast to the “*1,3-benzodioxol-4-ylamino*” group at the 4-position of both the ‘615 Patent and ‘438 Patent compounds.¹

Claim Objections

Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 15 has been cancelled, and claims 16 and 17 have been amended to be in independent form. Inasmuch as claims 16 and 17 recite specific named compounds, they necessarily incorporate all of the limitations of claim 1 upon which they were dependent. Therefore, it is respectfully submitted that this ground for objection has been overcome.

New claims 23, 24, 25 and 26 are dependent on independent claim 16, and separately recite, respectively, the first four compounds recited in claim 16. Since this objection has

¹ The table of technically related US applications of Applicant’s assignee that was submitted with the July 12, 2006 Information Disclosure Statement has been updated in the Supplemental Information Disclosure Statement filed herewith, to cite additional US patents that have granted on the previously listed applications, including US Patent 7,155,615 and US Patent 7,049,438.

been overcome with respect to claim 16, this ground for objection would not apply to these new claims.

Similarly, new claims 27, 28, 29, 30 and 31 are dependent on independent claim 17, and separately recite, respectively, the first five compounds recited in claim 17. Since this objection has been overcome with respect to claim 17, this ground for objection would not apply to these new claims.

Finally, since composition claim 19 has been amended to be dependent only on any one of compound claims 16, 17 and 23-31, this ground for objection would not apply to amended claim 19.

Therefore, it is respectfully submitted that this ground for objection has been overcome and/or does not apply to any claim now pending in this application, and should be withdrawn.

Previously Submitted Information Disclosure Statement and PTO-1449

The Examiner states that “the IDS of 7-12-06 cannot be signed because it is not in proper form” and that “applicant is suggested to list references on form PTO-1449 accordingly.” It is believed that the Examiner may be referring to the table of “technically related U.S. patents or applications of Applicants’ assignee” incorporated in the July 12, 2006 Information Disclosure Statement itself, but apparently has overlooked the two-page form PTO-1449 on which these and other patent/application documents are formally cited in a condition appropriate for initialing by the Examiner.

A copy of the July 12, 2006 IDS and the July 12, 2006 form PTO-1449 that was filed therewith, as present in and downloaded from the PAIR database, is attached to this Amendment and Response. Both documents are stamped as having been received by the US Patent and Trademark Office on July 12, 2006. Also attached is a print of the PAIR index of the image file for this application listing an image of an “Information Disclosure Statement (IDS) filed” (in fact listed twice) with a “Mail Room Date” of 07-12-06, noting that it is 6 pages in length (4 pages for the IDS and 2 pages for the form PTO-1449). This PAIR image index also lists 47 “Foreign Reference,” corresponding to the two European Patents and the 45 published PCT applications listed on the form PTO-1449. This confirms that each of the

non-US patent documents listed on the form PTO-1449 was filed with the July 12, 2006 Information Disclosure Statement and is present in the PAIR electronic file of this application.

It is therefore submitted that a proper form PTO-1449 was submitted with the July 12, 2006 Information Disclosure Statement and is present in the PAIR database, and it is respectfully requested that the Examiner initial where provided, acknowledging that each of these documents has been considered. However, if the Examiner needs anything further in this regard, it is respectfully requested that the Examiner telephone the undersigned.

Supplemental Information Disclosure Statement and PTO-1449 Submitted Herewith

The Examiner's attention is respectfully drawn to the Supplemental Information Disclosure Statement submitted herewith. This Supplemental IDS is being filed to update the table of technically related US applications of Applicant's assignee that was included in the July 12, 2006 Information Disclosure Statement to add additional US patents that have issued from the listed applications as well as continuing applications that have been filed from the listed applications. The newly-listed US patents and newly-listed continuing applications are highlighted in **bold** on the table in the Supplemental IDS, and the newly -listed US patents are also formally cited on the form PTO-1449 that is being submitted therewith.

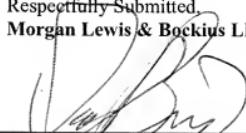
Conclusion

All grounds for rejection and/or objection having been considered, and obviated or overcome by the above amendments, it is believed that all currently pending claims are in condition for allowance, and a notice to that effect is respectfully requested. However, if there remains any question or issue outstanding, it is respectfully requested that the Examiner telephone the undersigned in order to expedite the resolution thereof and to place this application in condition for allowance.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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